IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11/09/2003

CORAM

THE HONOURABLE MR.JUSTICE N.V.BALASUBRAMANIAN
and
THE HONOURABLE MR.JUSTICE K.P.SIVASUBRAMANIAM

W.P.No.10608 of 2003 and W.P.No.14864 of 2003
and
WPMP.Nos.13417 & 18610 of 2003

Ch.Hari ... Petitioner in
both Wps.
-Vs-

1. The Senior Commandant
(Disciplinary Authority)
CISF Unit,
Chennai Port Trust,
Chennai 600 001.

2. The Assistant Commandant,
(The Inquiry Officer),
CISF Unit,
Chennai Port Trust,
Chennai 600 001.

3. The Inspector,
CISF Unit,
Chennai Port Trust,
Chennai 600 001. ... Respondents in
both Wps.

Writ petitions filed under Article 226 of the Constitution of India for the issue of a writ of Certiorari as stated therein.

In both petitions:

For petitioner : Mr.M.Jaichandran

For respondents : Mr.S.M.Deenadayalan, ACGSC

:ORDER

The writ petition in W.P.No.10608 of 2003 is filed challenging

the Office Memo dated 13.3.2003 issued by the disciplinary authority directing the petitioner herein to submit his representation to the enquiry report. This Court admitted the writ petition on 7.4.2003. By order dated 7.4.2003, this Court granted restricted interim stay of the operation of the impugned order with the liberty granted to the petitioner to submit his explanation to the show-cause notice. In the same order, this Court also directed the respondents not to pass any order until further orders. Subsequently, the respondents, on the basis of the orders of this Court, proceeded with the enquiry and issued another Office Memorandum dated 22.4.2003 directing the petitioner to submit his representation to the enquiry report against which the petitioner has filed the writ petition in W.P.No.14864 of 2003. The writ petition was also admitted and an interim order of stay was also passed.

2. During the pendency of both the writ petitions, it is stated by Mr.S.M.Deenadayalan, learned Additional Central Government Standing counsel for the respondents that the petitioner has been dismissed from service with effect from 17.6.2003 in another departmental enquiry. Learned counsel for the respondents also produced before us the copy of the order of dismissal dated 16.6.2003. we find that the petitioner has been dismissed from service on a charge which is totally unrelated to the charge which is subject matter of both the writ petitions.

3. Mr.M.Jayachandran, learned counsel for the petitioner submitted that he is not clear whether the petitioner has challenged the order of dismissal dated 16.6.2003 by preferring an appeal. However, the fact remains that the petitioner has been dismissed from service by order dated 16.6.2003, and no order has been produced by the petitioner to show that the order of dismissal has been set aside or modified by any higher authority. Since the petitioner has been dismissed from service on a charge which is totally unrelated to the charge which is subject matter of both the writ petitions, we are of the view that the consideration of the writ petitions on merits has become purely academic in nature. Accordingly, we close both the writ petitions, however, with the liberty granted to the petitioner to approach this Court to revive both the writ petitions, if the order of dismissal dated 16.6.2003 is set aside or modified by any forum.

4. With the above liberty granted to the petitioner, both the writ petitions are closed. No costs. Connected W.P.M.Ps. are also closed.

Index: Yes
Website: Yes
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To

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